IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10587 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

MUKUL JAYANTILAL KOTECHA

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10587 of 2004

MR RM CHHAYA for Petitioner No. 1-6

Mr. Sood, AGP for Respondent No. 1-3

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 27/08/2004

ORAL JUDGEMENT

Shri Chhaya, learned advocate appearing on behalf of the petitioners does not press other prayers except the prayer with regard to supply of certified copies of the documents as demanded by the petitioners vide applications dated 29th May 2004 and 3rd June 2004.

2. Rule. Shri Sood, learned AGP is directed to accept the notice on behalf of respondents. With the consent of parties, the matter is taken up for final hearing today.

3. In this petition under Article 226 of the Constitution of India, the petitioners have prayed for an appropriate writ, direction or order directing the respondents to give certified copies of the documents which are referred to in their applications dated 29.5.2004 and 3.6.2004. Shri Chhaya, learned advocate appearing on behalf of the petitioners has submitted that during the course of inspection carried out by the petitioners on 29.4.2004 the petitioners came to know that certain documents are necessary for the purpose of determination of revision application filed before the Secretary (Appeals) and therefore they have moved applications for supply of certified copies of documents on payment of requisite fees but for the reasons best known the respondents have not given the certified copies of the documents which are referred to in the aforesaid applications possibly due to shortage of time. Shri Chhaya, learned advocate appearing on behalf of the petitioners has submitted that the revision application is to be heard by the Secretary (Appeals) within a short time and therefore if the documents which are asked for by the petitioner are not given then the petitioners would not be in a position to make appropriate representation before the Secretary (Appeals).

4. In view of the aforesaid facts and circumstances of the case, and considering the fact that the documents which are asked for by the petitioners vide application dated 29.5.2004 are not privileged documents and they are public documents, the respondents are directed to supply certified copies of documents which are asked for by the petitioners vide application dated 29.5.2004 within a period of 7 (seven) days from the date of receipt of this order on payment of necessary fees. Rule is made absolute with no order as to costs. Liberty to apply in case of difficulty. Direct service is permitted.

rmr. [M.R. Shah, J.]